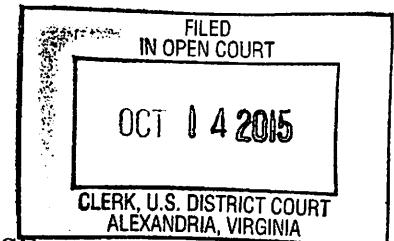


UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

WAYNE SHELBY SIMMONS,
Defendant.

-) Case No. 1:15-CR-293-TSE
-)
-) Count 1: False Statements
-) (18 U.S.C. § 1001)
-)
-) Counts 2-3: Major Fraud Against the U.S.
-) (18 U.S.C. §§ 1031 & 2)
-)
-) Counts 4-7: Wire Fraud
-) (18 U.S.C. §§ 1343 & 2)
-)
-) Forfeiture Notice

INDICTMENT

October 2015 Term - at Alexandria, Virginia

COUNT 1

(False Statements)

THE GRAND JURY CHARGES THAT:

1. On or about December 4, 2009, within the Eastern District of Virginia and elsewhere, the defendant WAYNE SHELBY SIMMONS did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of a department or agency of the United States; that is, the defendant sent a letter to the U.S. Department of State in Arlington, Virginia, in support of his previously submitted U.S. Office of Personnel Management Standard Form 86, Questionnaire for National Security Positions, falsely stating that he had been employed as an "Outside Paramilitary Special Operations Officer" for the Central Intelligence Agency (CIA) from 1973 to 2000.

(In violation of Title 18, United States Code, Section 1001.)

COUNT 2

(Major Fraud Against the United States)

THE GRAND JURY FURTHER CHARGES THAT:

2. In or about August 2008, the United States, in a procurement of services, awarded Task Order 08-027 under prime contract number W91260-06-D-0005 to Company A, the value of said task order being approximately \$44 million. In fulfillment of the task order, Company A hired various individuals, including for the position of Human Terrain System Team Leader.

3. From in or about August 2008 through in or about March 2009, within the Eastern District of Virginia and elsewhere, in connection with the foregoing procurement, the defendant WAYNE SHELBY SIMMONS did knowingly execute, attempt to execute, and cause to be executed a scheme and artifice with the intent to defraud the United States and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

4. It was part of the scheme and artifice to defraud that:

a. the defendant falsely represented to Company A and to the United States that he had spent 27 years working in "Outside Paramilitary Special Operations" for the CIA;

b. the defendant used this false and fraudulent statement and representation to cause Company A to hire him as a Human Terrain System Team Leader under the requirements of the procurement and to cause the United States to train him at a U.S. Army facility to be deployed overseas alongside and in support of U.S. military personnel, though he never completed training and was never deployed;

c. the defendant submitted to the United States a U.S. Office of Personnel Management Standard Form 86, Questionnaire for National Security Positions, falsely

stating that he had been recruited to the CIA in 1973, that he had not previously been charged with or convicted of a felony offense, that his prior arrests and criminal convictions were directly related to his supposed intelligence work for the CIA, and that he had held a top secret security clearance from 1973 to 2000;

d. the defendant used these false and fraudulent statements and representations to cause the United States to grant him an interim secret security clearance, which was necessary for the Team Leader position; and,

e. the defendant caused Company A to pay him, on account of his employment as a Team Leader, funds received by Company A from the United States under the prime contract.

(In violation of Title 18, United States Code, Sections 1031 and 2.)

COUNT 3

(Major Fraud Against the United States)

THE GRAND JURY FURTHER CHARGES THAT:

5. In or about September 2009, the United States, in a procurement of services, awarded prime contract number N41756-09-C-4621 to Company B, the value of said prime contract being approximately \$72 million. In fulfillment of the prime contract, Company B entered into a subcontract with Company C to hire various individuals as subcontractors, including for the position of senior intelligence advisor.

6. From in or about April 2010 through in or about August 2010, within the Eastern District of Virginia and elsewhere, in connection with the foregoing procurement, the defendant WAYNE SHELBY SIMMONS did knowingly execute, attempt to execute, and cause to be executed a scheme and artifice with the intent to defraud the United States and to obtain money by means of materially false and fraudulent pretenses, representations, and promises.

7. It was part of the scheme and artifice to defraud that:

a. the defendant falsely represented to Company C and to the United States that he had spent 27 years working in "Outside Paramilitary Special Operations" for the CIA and that he had worked in various capacities as a Human Terrain System Team Leader for Company A from 2008 to 2009;

b. the defendant used these false and fraudulent statements and representations to cause Company C to hire him as a senior intelligence advisor under the requirements of the procurement and to cause the United States to deploy him overseas as an advisor to senior U.S. military personnel;

c. the defendant submitted to the United States a U.S. Office of Personnel Management Standard Form 86, Questionnaire for National Security Positions, falsely stating that he had worked for the CIA from 1973 to 2000, that he had not previously been charged with a felony offense, that his prior arrests and criminal convictions were directly related to his supposed intelligence work for the CIA, and that he had held a top secret security clearance from 1973 to 2000;

d. the defendant used these false and fraudulent statements and representations to cause the United States to grant him an interim secret security clearance, which was necessary for his hiring and deployment; and,

e. the defendant caused Company C to pay him, on account of his work as a senior intelligence advisor, funds received from Company B, which were received by Company B under the prime contract.

(In violation of Title 18, United States Code, Sections 1031 and 2.)

COUNTS 4-5

(Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

8. From in or about April 2010 through in or about August 2010, in the Eastern District of Virginia and elsewhere, the defendant WAYNE SHELBY SIMMONS knowingly devised and intended to devise a scheme and artifice to defraud Company C and to obtain money from Company C by means of materially false and fraudulent pretenses, representations, and promises.

9. It was part of the scheme and artifice to defraud that the defendant falsely represented to Company C, in order to obtain the position of senior intelligence advisor, that he had worked in various capacities as a Human Terrain System Team Leader for Company A from 2008 to 2009 and had worked for the CIA from 1973 to 2000.

10. On or about the dates listed for each count below, within the Eastern District of Virginia and elsewhere, for the purpose of executing the aforementioned scheme and artifice, the defendant did knowingly cause to be transmitted by means of wire communication in interstate commerce, certain writings, signs, signals, pictures, or sounds as specified below:

COUNT	DATE	DESCRIPTION
4	5/18/2010	E-mail communication from Company C in Maryland to Company B within the Eastern District of Virginia, containing an invoice covering the defendant's services
5	5/28/2010	E-mail communication from Company C in Maryland to Company B within the Eastern District of Virginia, containing an invoice covering the defendant's services

(In violation of Title 18, United States Code, Sections 1343 and 2.)

COUNTS 6-7

(Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

11. From in or about November 2011 through in or about December 2013, in the Eastern District of Virginia and elsewhere, the defendant WAYNE SHELBY SIMMONS knowingly devised and intended to devise a scheme and artifice to defraud victim E.L. and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

12. It was part of the scheme and artifice to defraud that:

a. the defendant falsely represented to E.L. that he was a former agent of the CIA, and used his supposed affiliation with the CIA to bolster his credibility with E.L.;

b. the defendant falsely represented to E.L. that he was involved in real estate investment projects and offered E.L. an opportunity to make a \$125,000 investment, with terms that included a 3% monthly payment and the option after six months either to pull the funds out of the project or to keep them invested over a longer period of time;

c. there was in fact no real estate investment, and the defendant used the invested funds for personal purposes; and,

d. to prolong the fraud, the defendant, for a period of time, provided E.L. the promised monthly payments and sent E.L. text messages intended to lull E.L. with false explanations as to the status of her invested funds.

13. On or about the dates listed for each count below, within the Eastern District of Virginia and elsewhere, for the purpose of executing the aforementioned scheme and artifice, the

defendant did knowingly cause to be transmitted by means of wire communication in interstate commerce, certain writings, signs, signals, pictures, or sounds as specified below:

COUNT	DATE	DESCRIPTION
6	11/28/2011	Wire of \$75,000 from E.L.'s bank account within the Eastern District of Virginia to the defendant's account outside of Virginia
7	12/5/2011	Wire of \$50,000 from E.L.'s bank account within the Eastern District of Virginia to the defendant's account outside of Virginia

(In violation of Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE NOTICE

14. Pursuant to Rule 32.2(a) Fed. R. Crim. P., the defendant WAYNE SHELBY SIMMONS is hereby notified that, if convicted of any of the offenses alleged in Counts 4 through 7 of the indictment, the defendant shall forfeit to the United States any property, real or personal, constituting or derived from proceeds traceable to the Count or Counts of conviction. Such forfeitable property includes a sum of money equal to at least \$175,612 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

15. If property subject to forfeiture cannot be located, the United States will seek an order forfeiting substitute property.

(In accordance with Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 853(p), and Title 28 United States Code, Section 2461(c).)

A TRUE BILL

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON OF THE GRAND JURY

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